



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

## Engineering Services Division

300 Sixth Street

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## MEMORANDUM

TO: Public Works Committee, Mayor Hanks, City Council

FROM: Dale Tech PE/LS, City Engineer *Dale Tech*

SUBJECT: Request by Mr. Hewey Clemmons to connect to the Rapid City Sanitary Sewer System

DATE: January 6, 2010

Attached is a request by Janelle Finck of Fisk Land Surveying and Consulting Engineers, Inc., on behalf of Mr. Hewey Clemmons to connect to the Rapid City sanitary sewer system. The properties to be connected are proposed Lots A and B of Clemmons Addition.

Mr. Clemmons has submitted a preliminary plat application to subdivide property located east of Reservoir Road along East Highway 44. As part of the plat review process, City staff identified that the property that Mr. Clemmons wishes to subdivide is located within 120' of the City sanitary sewer system. Per section 16.16.050 of the Rapid City Municipal Code, any subdivision located within 500 feet of the Rapid City sewer system or any central sewer system shall be required to hook up to that system.

The Rapid City Planning Commission at its October 22<sup>nd</sup>, 2009 meeting denied a requested variance to the installation of sewer for this proposed subdivision.

Attached is a vicinity map, proposed plat, a map showing the proximity of the City sewer system to the property, and a copy of the City policy regarding connection to City utilities.

A covenant agreement consistent with current policy will be prepared for separate consideration.

I recommend approval of the request to connect to the City sanitary sewer system.



**Tech Dale**

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**From:** Janelle Finck [janelle.fiskls@midconetwork.com]  
**Sent:** Tuesday, November 10, 2009 4:23 PM  
**To:** Tech Dale  
**Cc:** Fisher Vicki  
**Subject:** CLEMMONS

Dale:

On behalf of Hewey Clemmons, we would like to request authorization to connect to the Rapid City sewer system. My understanding is that the request will be placed on the Public Works Committee agenda for consideration. If approved, the request is then forwarded to the Common Council for their approval. If this request needs to be made in a more specific format or application, please advise.

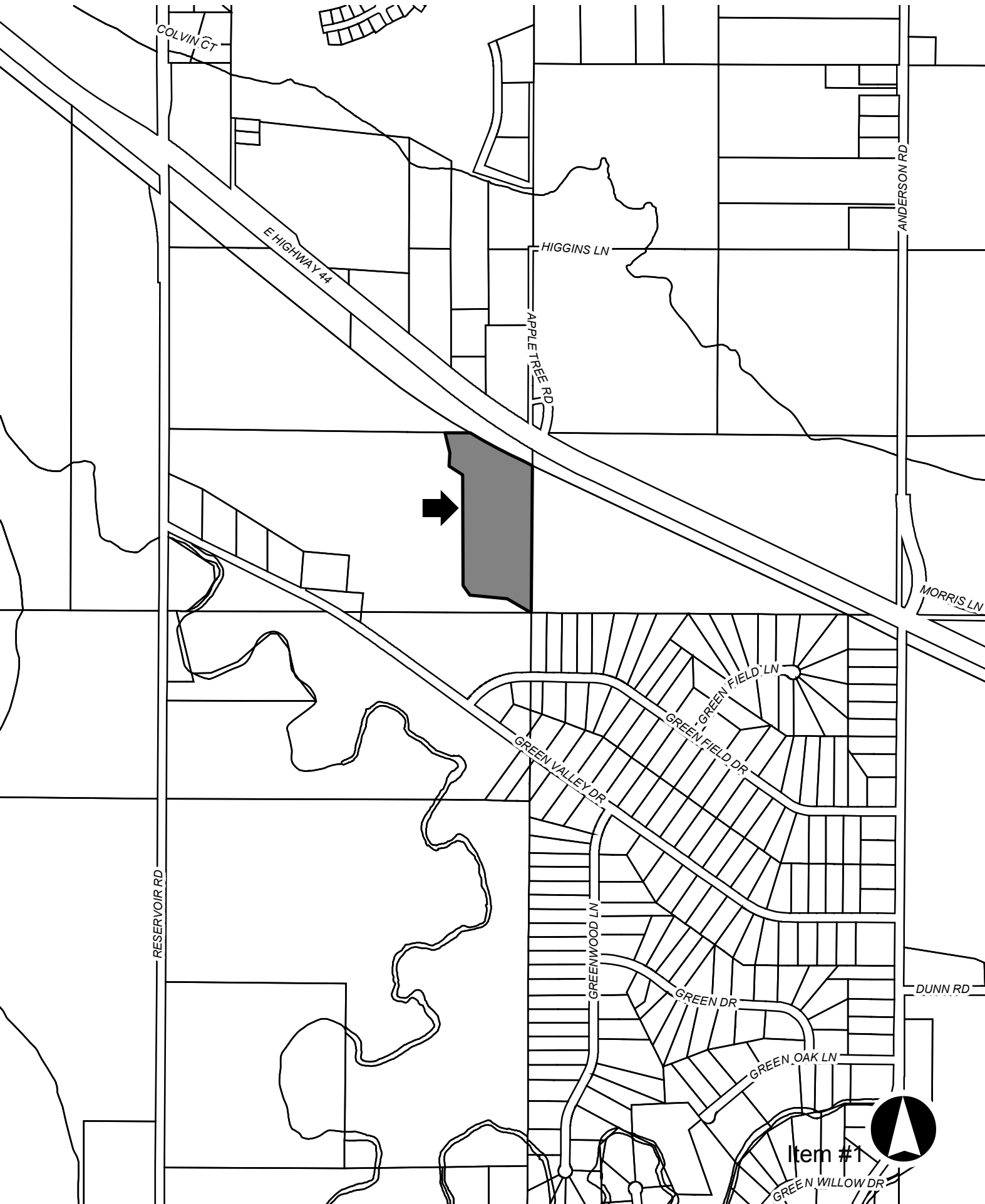
Mr. Clemmons would also like a confirmation of the monthly fee that will be assessed for each of the connections.

Thank you for your assistance.

Janelle L. Finck – President  
Fisk Land Surveying & Consulting Engineers, Inc.  
PO Box 8154  
Rapid City, SD 57709  
(p) 605-348-1538  
(f) 605-341-1112

09PL061

PW011210-01



Prepared by  
Fish Land Surveying &  
Consulting Engineers, Inc.  
P.O. Box 8154  
Rapid City, South Dakota 57709  
605-348-1538  
Project # 08-01-01

Utility and Minor Drainage Easements 8 on the interior side of all lot lines

All Major Drainage Easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees & shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect and repair such improvements and structures as it seems expedient to facilitate drainages from any source.

- \* = Found Survey Monument as noted
- ⊙ = Set Rebar with cap marked "RW Fisk 6565"
- = Found BLM Brass Cap

$$1'' \approx 200'$$

February 4, 2008  
Revised February 11, 2008  
Revised March 13, 2008

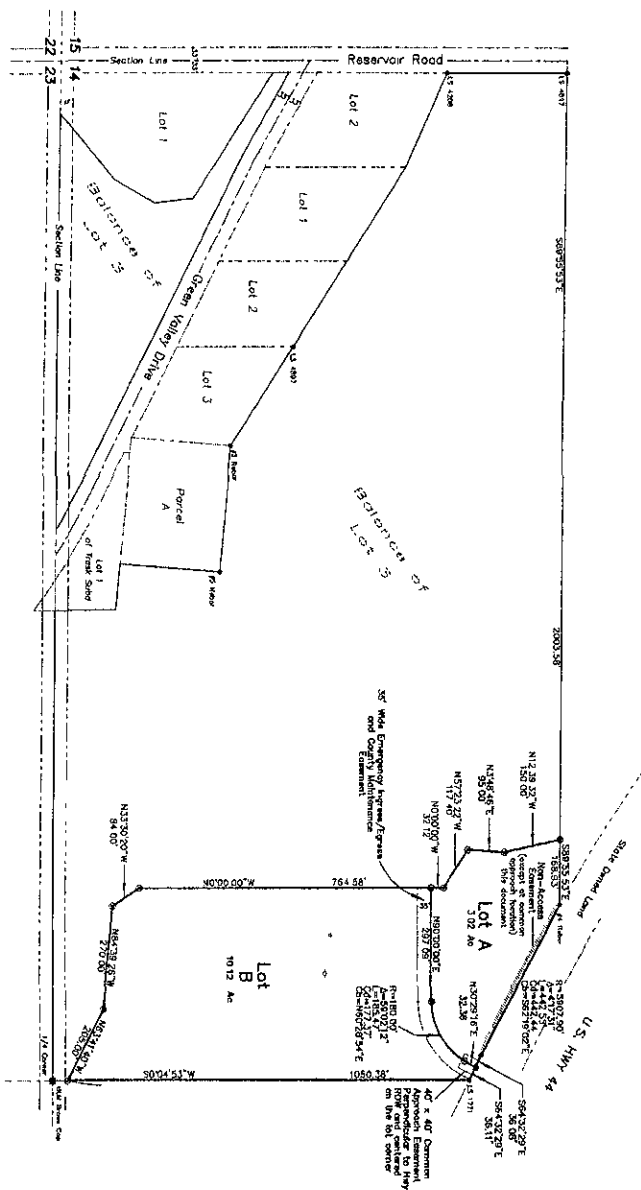
Revised September 25, 2009  
Basis of Bearings  
GPS Observation

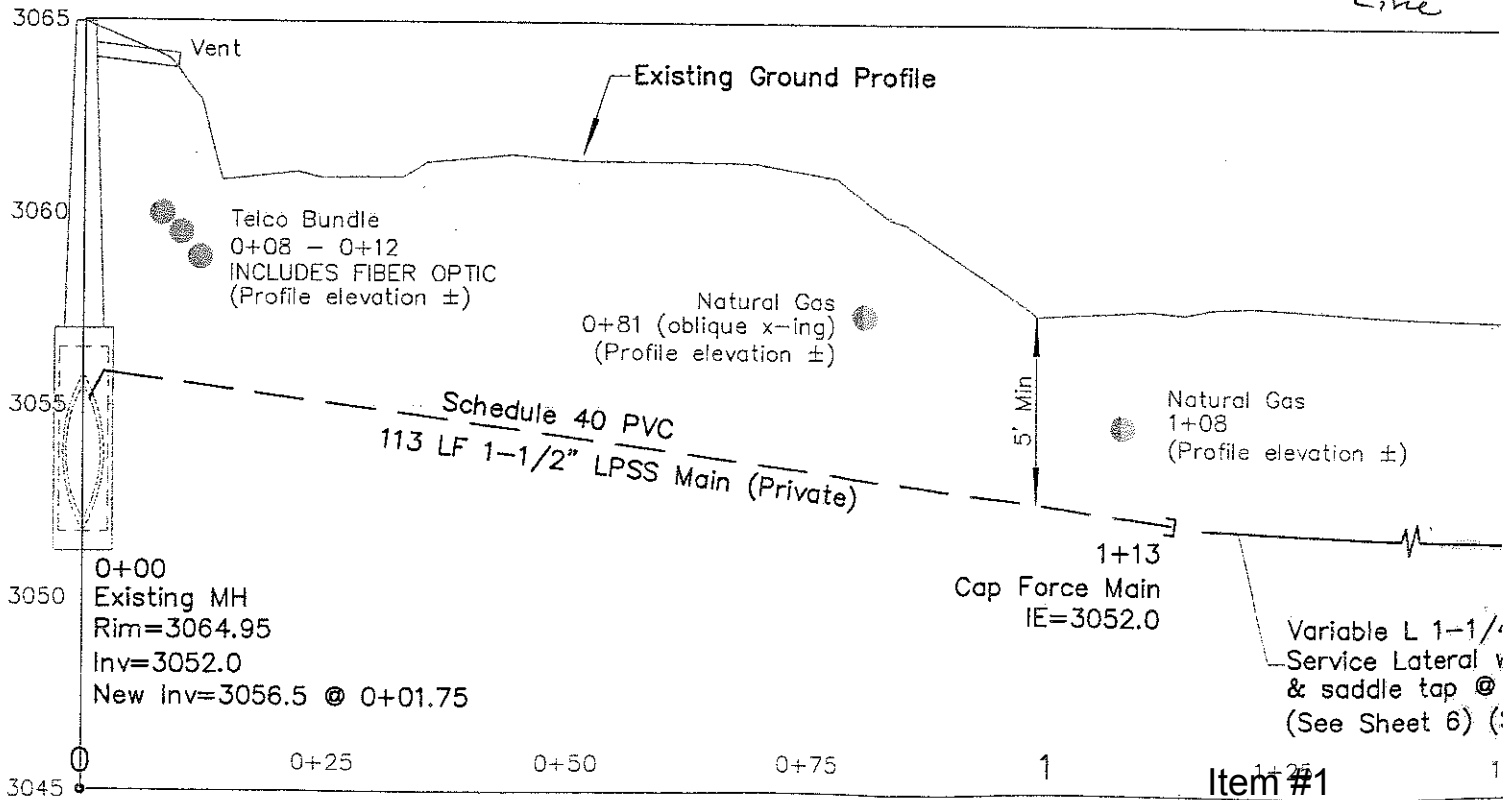
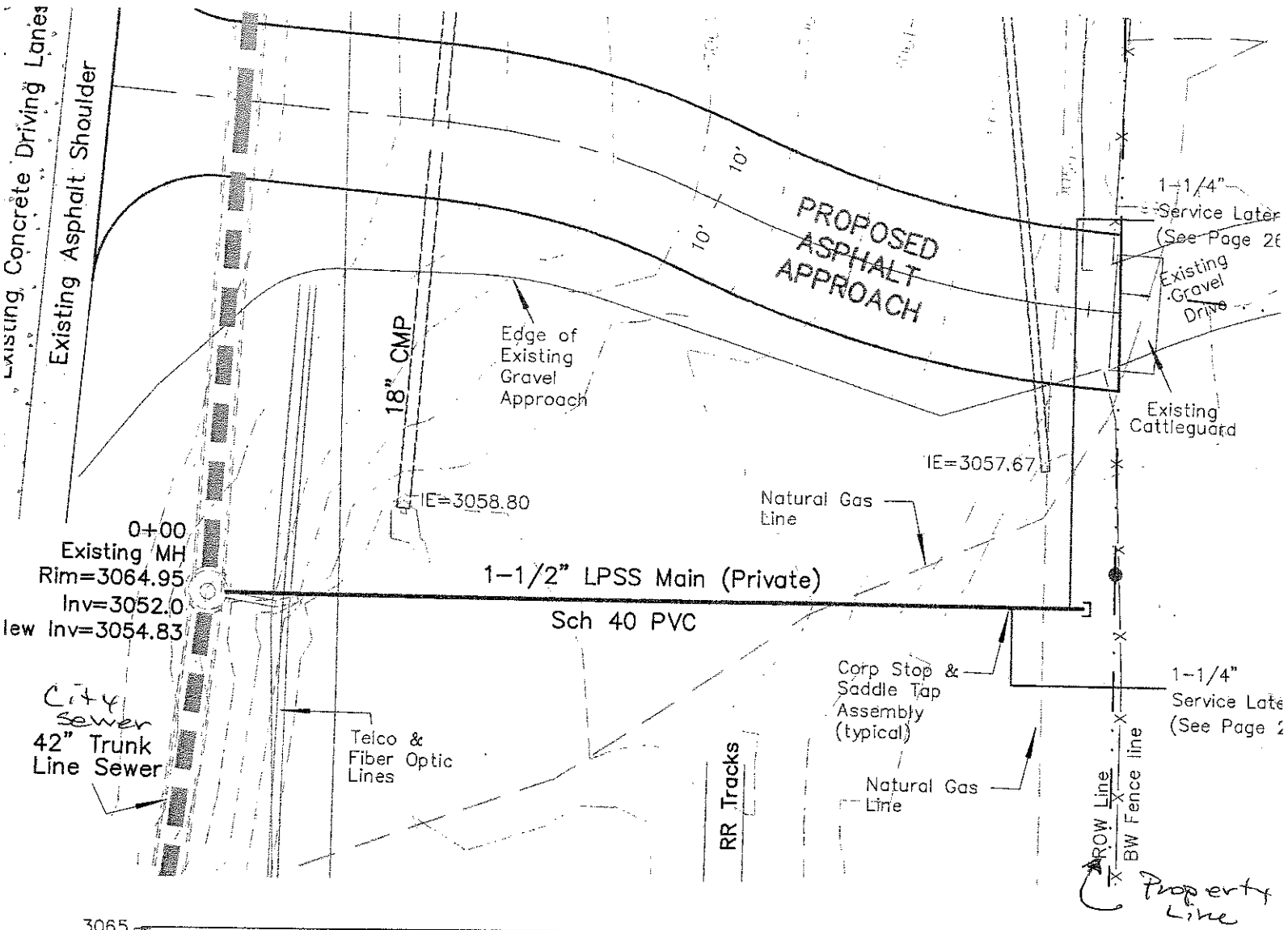
**PRELIMINARY**

RECEIVED

SEP 25 2009

Sanid City Growth Department





**A RESOLUTION ESTABLISHING A POLICY REGULATING THE PROVISION OF CITY UTILITY SERVICES TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS**

WHEREAS the City of Rapid City has established water and sewer systems; and

WHEREAS the City of Rapid City is growing and new property is regularly annexed into the City; and

WHEREAS the City of Rapid City desires to support orderly growth and development and extension of infrastructure; and

WHEREAS the City of Rapid City desires to ensure the beneficiaries of the extension of City utility service bear the cost thereof rather than the utility customers; and

WHEREAS the utility services provided by the City of Rapid City to property located outside of the City limits constitutes an expense to the taxpayers of the City of Rapid City; and

WHEREAS the City of Rapid City determines it is in the best interests of the City of Rapid City to establish a policy that encourages the annexation of property located outside of the City limits that receives City utility service;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby adopts the following policy to regulate extraterritorial provision of utility services:

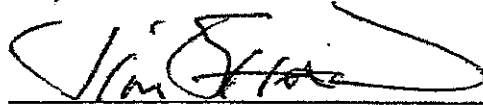
The Rapid City Council will consider providing water and/or sewer utility services to property located outside of the corporate limits when the utility extensions are necessary to serve either existing or proposed development. If utility services are provided to property located outside of the City's corporate limits, it is desirable that both water and sewer services be extended when physically and economically feasible. If the City Council decides to extend utility services outside the corporate limits the applicant will comply with the following requirements:

1. The water and wastewater service shall be sold/provided at 150% of the retail water/wastewater rate charged to customers within Rapid City.
2. If the property is contiguous to the City limits at the time the City utility services are requested, the property shall be annexed prior to services being provided. If the property is not contiguous to the city limits at the time service is requested, the owners of all property served shall, pursuant to SDCL 9-4-4.1, enter into an irrevocable agreement and covenant running with the property. The covenant agreement shall contain the following provisions:
  - A. The property owner will agree to voluntary annexation of the property at such time as the property becomes contiguous to the City limits.

- B. The property owner will agree that should they refuse to consent to annexation at the time that the property becomes contiguous to the City limits that they will pay 300% of the retail water/wastewater rate charged to customers within Rapid City. Prior to the higher rate being imposed the property owner will have 60 days from the date they are requested by the City to agree to a voluntary annexation to consent to the annexation.
- C. The property owner will agree not to join a rural water, sanitary, or any other district that is involved in providing water/sewer services.
3. Once the property is annexed into the City, the rate charged for services shall be the same rate as the rate charged to all customers residing within the corporate limits of Rapid City.
4. Those requesting service shall pay all of the costs of improvements, including but not limited to the master planning of facilities, as well as the design and oversizing costs required to extend the utility services. All improvements shall be constructed in accordance with the adopted standards of the City of Rapid City and the State of South Dakota. System improvements shall be transferred to the City, at no cost to the City, at the time water or sewer service is provided by the City. No service shall be provided by the City until the system improvements have been donated to the City. If the property is annexed into another municipality, the City of Rapid City shall no longer provide utility services.
5. The same conservation standards shall apply to property located outside the corporate limits as those applied to property located inside the corporate limits.
6. This Resolution will not apply to any existing contracts unless the existing contracts are expanded on or revised at which time they will become subject to this resolution.

DATED this 16 day of May, 2005.

CITY OF RAPID CITY

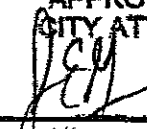
  
Mayor

ATTEST:

  
Finance Officer

(SEAL)

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

  
Attorney

6-14-05  
Date